

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X
	:
NITEL, INC.,	:
	:
	Plaintiff, :
	:
-against-	:
	:
CERBERUS BUSINESS FINANCE, LLC, and	:
PEPI CAPITAL, L.P.,	:
	:
Defendants.	:
-----	X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: <u>12/7/21</u>
DATE FILED: <u>12/7/21</u>

21-CV-05996 (VEC)

ORDER & NOTICE OF  
INITIAL PRETRIAL  
CONFERENCE

VALERIE CAPRONI, United States District Judge:

WHEREAS on December 3, 2021, the Court withdrew the bankruptcy reference in this case, *see* Dkt. 17;

IT IS HEREBY ORDERED that Nitel must re-file the Complaint, as well as any other filings from the adversary proceeding relevant to the proceeding before this Court, on the public docket not later than **December 13, 2021**, as the Court will only consider filings on this docket.

IT IS FURTHER ORDERED that in light of the COVID-19 situation, the Court will conduct the Initial Pretrial Conference (“IPTC”) in accordance with Rule 16 of the Federal Rules of Civil Procedure on **January 21, 2022 at 3:00 p.m.** by teleconference. At the scheduled time, counsel for all parties should call 888-363-4749, Access code 3121171#, Security code **5996**.

Counsel should submit their proposed case management plan and joint letter as outlined below. In their joint letter, the parties should indicate whether they believe a Rule 16 conference is unnecessary and ask that their proposed Case Management Plan simply be so ordered; or whether they believe a conference would be helpful and have no objection to proceeding by teleconference; or whether they believe a conference would be helpful and request it be

adjourned until such time as it can be safely held in person. If the parties prefer an in-person conference, they should propose three mutually-agreed upon Fridays for the conference, although the Court does not guarantee it will honor the parties' preferred date.

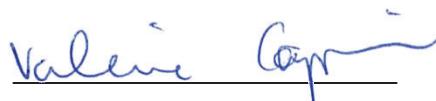
1. Pursuant to section 1.C of the Court's Individual Practices in Civil Cases, requests for adjournment of the IPTC or any other conference must be made in writing at least 48 hours prior to the scheduled conference. The request must state (1) the reason for the proposed adjournment; (2) the original date of the conference; (3) the number of previous requests for adjournment; (4) whether the other party or parties consent and, if not, the reason given for refusing consent; and (5) proposed alternative dates.

2. The parties are directed to submit a joint letter of no more than five pages by **January 13, 2022**, addressing the following in separate paragraphs: (1) a brief description of the case, including the factual and legal bases for the claim(s) and defense(s); (2) any contemplated motions; (3) the basis for subject matter jurisdiction; and (4) the prospect for settlement.

3. The parties are directed to consult the undersigned's Individual Practices in Civil Cases and to confer on a Civil Case Management Plan and Scheduling Order. The Individual Practices and Civil Case Management Plan may be found on the Court's website: <https://nysd.uscourts.gov/hon-valerie-e-caproni>. The parties must submit the jointly proposed Plan to the Court with their joint letter.

**SO ORDERED.**

**Date: December 7, 2021**  
**New York, New York**

  
**VALERIE CAPRONI**  
**United States District Judge**